IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Mario Del Valle, Enrique Falla, and Angelo Pou, Plaintiffs-Appellants, v. Expedia Group, Inc., et al., Defendants-Appellants.	No. 20-12407

NOTICE OF INCORRECT STATEMENT OF RELATED CASE

Mario Del Valle, Enrique Falla, and Angelo Pou (the "Appellants"), file this Notice to apprise the Court of an inaccurate Civil Appeal Statement filed in the appeal styled *Garcia-Bengochea v. Carnival Corp.*, Appeal No. 20-12960, which incorrectly states that the *Garcia-Bengochea* appeal involves issues substantially similar or related to an issue in this appeal.

The order on appeal here did not reach, analyze or address any statutory construction questions regarding post-1996 inheritances, which are at issue in the *Garcia-Bengochea* appeal. The order on appeal here dismissed the action for a purported lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2). Because it held that there was no jurisdiction over defendants, the order on appeal did not and could not have reached any legal sufficiency challenge under Rule 12(b)(6).

Further, the order on appeal stated that it "notes," in a footnote on the last page with no analysis, "that it would be futile for Angelo Pou (and possibly for Enrique Falla) to amend their complaint because they do not appear to have actionable ownership interests." Order at 8, n.7. This issue was not reached, let alone analyzed in the order, and that footnote was pure dicta. Even if it weren't dicta, it could constitute no more than an improper advisory opinion on an issue not reached. Moreover, even if it weren't "advisory dicta," this statement never could support dismissal below because there are *three*, not *two* plaintiffs, and the third plaintiff's ownership interest wasn't even mentioned in the footnote.

Because the post-1996 inheritance issue presented in the *Garcia-Bengochea* case (1) was not reached, let alone analyzed, in the order on appeal that dismissed the case for lack of personal jurisdiction, and because (2) what the order said about inheritance in a footnote was "advisory dicta" that did not and could not constitute the order's holding, the Court should disregard the *Garcia-Bengochea* appellant's statement that the appeals are substantially similar or related because of an issue that was not reached, analyzed or decided below.

Dated: October 6, 2020.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that on October 6, 2020, I electronically filed this document with the Clerk of the Court using CM/ECF. I also certify that this document is being served today on all counsel of record by transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Andres Rivero
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